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May 21, 2010

**VIA ELECTRONIC FILING AND FIRST-CLASS MAIL**

Honorable William J. Martini, U.S.D.J.  
United States District Court  
District of New Jersey  
M.L. King Jr. Federal Building  
50 Walnut Street, Room 4076  
Newark, NJ 07102

**Re: Mendez v. American General Life Insurance Company**  
**Civil Action No. : 09-cv-01155 (WJM)**  
**Our File No. : 990.22450/FXG**

Dear Judge Martini:

My office represents plaintiff, Debby Mendez, in this matter. In my absence, Elizabeth Hamlin and Naveen Nadipuram of my office appeared at the pre-motion conference before Your Honor on May 18, 2010. They reported that you had raised an issue at the conference that had not been raised by American General Life Insurance Company, and therefore, had not been briefed by either the plaintiff or American General. As I understand the issue raised at the conference, you inquired as to whether acceptance of American General's offer to reinstate occurred at the time of initial submission of the Application for Reinstatement by Mr. Mendez, i.e. April 26, 2007, or at the time he responded to American General's request that he answer the two (2) unanswered questions on the application, i.e. May 8, 2007.

We are prepared to address this issue and its implications insofar as the issues of coverage are concerned, but the Briefs by both parties in support of their respective motions have already been filed with the Joint Stipulation of Facts. Should the Court desire us to address any issue not encompassed within our Briefs, we remain open, and we are sure American General's counsel feels likewise, to supplementing the Briefs.

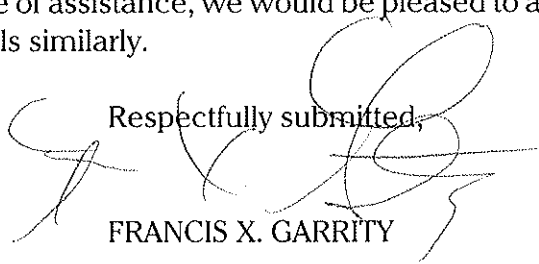
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Finally, we noted the recent notice from the Court indicating the return date of the motion as June 21, 2010 and that the matter would be submitted "on the papers." Should the Court determine that oral argument would be of assistance, we would be pleased to appear, and we are likewise sure that Mr. Donovan feels similarly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis X. Garrity', is written over the typed name. The signature is stylized with a large, looping 'F' and 'G'.

FRANCIS X. GARRITY

FXG:hl

cc: (via e-mail)

Kevin C. Donovan, Esq./Wilson, Elser, Moskowitz, Edelman & Dicker, LLP

Ms. Debby Mendez